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James P. Tagg

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EXAMINER

NGUYEN, HAI V

ART UNIT

PAPER NUMBER

2142

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/706,406

Applicant(s)

TAGG, JAMES P.

Examiner

Hai V. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05 December 2006 has been entered.
2. This Office Action is in response to the communication received on 05 December 2006.
3. Claims 1-20 were cancelled.
4. Claim 47 is new.
5. Claims 21-47 are presented for examination.

Specification

6. The textual portion of the specification is replete with grammatical and idiomatic errors too numerous to mention specifically. The specification should be revised carefully.
7. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols ®, where required, and clarity of

meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 21-24, 33 and 46-47 rejected under 35 U.S.C. 102(e) as being anticipated by Meier US patent # **6,970,459 B1**.

10. As to claim 21, Meier teaches substantially the invention as claimed, including a method of connecting a client system (*Figs. 7, 10, 12, MVTP client*) to a target network (*Figs. 7, 10, 12, an IP subnet or a different IP subnet or foreign network via MVTP FA or MVTP Gateway*) comprising:

configuring a tunnel (*a MVTP tunnel*) in a host system (*Figs. 7, 10, 12, MVTP FA or MVTP Gateway*) under control of the host system, wherein the host system is capable of accessing a target network (*Figs. 7, 10, 12, MVTP FA may provide public access services for hosts that subscribe to those services, col. 16, lines 24-26*).

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connecting the client system to the host system under the control of client system *(an MVTP is responsible for detecting an MVTP FA, for an IP subnet, and registering with its MVTP server, whenever it first roams to an IP subnet, col. 9, lines 9-11),* wherein said host system is capable of examining membership information stored on said client and host systems to determine whether said host system and the client system are registered members of a cooperative networking system *(looking up the MVTP connection record, col. 12, lines 20-25)* and performing said connecting step depending on said membership status before said host system accesses said target network *(An MVTP FA maintains a "mobility record" for each active MVTP client, col. 9, lines 48-59; col. 6, lines 17-55; The VPN gateway must create a tunnel and establish an L2TP control connection with an LNS before it can establish an L2TP data session for an MVTP client, col. 11, lines 64-66).*

comparing preferences *(global endpoint ID, local endpoint ID, connect ID, Care-of IP address, registration age, connection state)* of the host system and the client system under the control of a matching means *(a MVTP server),*

establishing of a secure link from the client system to the target network through the tunnel in the host system when the preferences of the host system and client system match *(Figs. 7, 9; 10, 12, col. 9, line 17 – col. 10, line 20);* wherein the client system does not access any resources of the host system outside of said tunnel *(Fig. 3, the tunnel header encapsulates IP data, col. 4, lines 18-26);* wherein said host system is capable of establishing said secure link when the preferences of the host system and the client system do not match *(The PPP connection between a PPP host and its NAS*

still exists after a PPP host roams to a "new" MVTP FA on a different IP subnet.

Likewise, the "old" L2TP session between the "old" MVTP FA and the LNS, for a PPP host, still exist when the host roams to a "new" MVTP FA. When a new L2TP session is established, for the PPP host, the LNS must delete the old L2TP session and transfer the existing PPP connection to the new L2TP session, col. 12, line 66 – col. 13, line 6).

11. As to claim 22, Meier discloses wherein the comparing step is made in a server (Fig. 12, MVTP server).

12. As to claim 23, Meier discloses wherein the target network is the Internet (Fig. 2).

13. As to claim 24, Meier discloses wherein the target network is a public network (col. 6, line 59; col. 16, lines 25-27; col. 17, line 4-50).

14. Claim 33 has similar limitations of claims 21 except for the limitation of "disconnecting the client system from the first host system" which is merely deleting the old MVTP FA session for a PPP host when the PPP host roams to a new MVTP FA, (Meier, col. 12, line 66 – col. 13, line 6).

15. Claim 46 corresponds to the system claim of claim 1; therefore, it is rejected under the same rationale as in claim 1.

16. Claim 47 corresponds to the system claim of claim 1; therefore, it is rejected under the same rationale as in claim 1.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Meier** as applied to claims 21-24 above, in view of **Lynch** U.S patent # **6,487,600 B1**.

19. As to claim 25, Meier does not explicitly disclose the target network is a PSTN. Lynch disclose that, *"the client communication device may take differing forms to provide telephone functions and PC functions along with the communication functions it provides. The network friend has the basic structure of a web server and may facilitate transactions via the Internet and/or the PTSN (Lynch, col. 4, lines 4-14)"* as evidenced by implementing the security across the PSTN (Lynch, col. 4, lines 29-39).

20. As to claim 26, Meier-Lynch discloses wherein the client system is a mobile phone (Lynch, col. 7, lines 16-26).

21. As to claim 27, Meier-Lynch discloses wherein the host system is a virtual private network (Meier, VPN).

22. As to claim 28, Meier-Lynch discloses where the host systems and the client systems are members of service that gives reciprocal roaming rights (Meier, col. 12, line 66 – col. 13, line 6).

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23. Claims 29-32, 34-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Meier-Lynch** as applied to claims 21-28 above, further in view of **Tummala et al.** U.S. patent # **6,915,345 B1**.

24. As to claim 29, Meier-Lynch does not explicitly disclose determining a cost of obtaining a link and comparing the cost with a predetermined limit (*Tummala, SLA thresholds or attributes matched on the home network, claim 14-16*) stored by said client system where a match will be found if the cost is less than or equal to the predetermined limit (*Tummala, SLA thresholds or attributes matched on the home network, claim 14-16*).

In the same filed of endeavor, Tummala discloses that determining a cost of obtaining a link and comparing the cost with a predetermined limit (*Tummala, SLA thresholds or attributes matched on the home network, claim 14-16*) stored by said client system where a match will be found if the cost is less than or equal to the predetermined limit (*Tummala, SLA thresholds or attributes matched on the home network, claim 14-16*) as evidenced by charging the client for using the transmission links according to the SLA (*Tummala, col. 5, lines 64-67*).

25. As to claim 30, Meier-Lynch-Tummala discloses where the host system is not connected to the target network and will make connection to that target network upon request by a client system (*Tummala, the SLA broker is not connected if the client does not initiate the communication or as long as the SLA is valid, col. 9, line 19 – col. 10, line 14*).

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26. As to claim 31, Meier-Lynch-Tummala discloses where the secure link through the tunnel comprises channels to transmit time divided data (*Tummala, messages*) (*Tummala, col. 9, line 19 – col. 10, line 14*).

27. As to claim 32, Meier-Lynch-Tummala discloses connecting a second client system to the first client system in order that the second client system is able to access the target network through the tunnel in the host system (*Tummala, the mobile nodes communicate each other through the secured channel or tunnel via AAA servers based on the valid SLAs, col. 9, line 19 – col. 10, line 65*).

28. As to claim 34, Meier-Lynch-Tummala discloses wherein the establishing step further comprises the step of notifying a user of the client system of availability of a link wherein the user can accept or reject the connection (*Lynch, col. 13, line 15 – col. 14, line 13; col. 21, line 49 – col. 22, line 25*).

29. As to claim 35, Meier-Lynch-Tummala discloses wherein any data by the client system is encrypted prior to being sent to the network such that the privacy and security for the client are maintained (*Lynch, col. 3, line 55 – col. 4, line 49; col. 21, line 49 – col. 22, line 25; col. 35, lines 6-67*).

30. As to claim 36, Meier-Lynch-Tummala discloses, wherein the encryption can be selectively applied to the data depending on the preferences (*Tummala, col. 6, lines 14-58; col. 9, line 3 – col. 10, line 65*).

31. As to claim 37, Meier-Lynch-Tummala discloses, wherein the connecting step comprises the step of causing the host system to mimic the air interference for a

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cordless telephone link (*Tummala, the cellular transceiver 360, col. 6, lines 14-58; col. 9, line 3 – col. 10, line 65*).

32. As to claim 38, Meier-Lynch-Tummala discloses, converting the data stream into data packets for transmission over the Internet under the control of the host system (*Tummala, col. 6, lines 14-58; col. 9, line 3 – col. 10, line 65; Lynch, col. 13, line 15 – col. 14, line 13; col. 21, line 49 – col. 22, line 25*).

33. As to claim 39, Meier-Lynch-Tummala discloses where the client configuration is performed automatically by the host when the host system is first power on (*Lynch, col. 21, line 49 – col. 22, line 25*).

34. As to claim 40, Meier-Lynch-Tummala discloses wherein the connecting step comprises using wireless once connection technology (*Tummala, Abstract; Lynch, Abstract*).

35. As to claim 41, Meier-Lynch-Tummala discloses wherein the establishing step occurs automatically once the match is made (*Tummala, col. 6, lines 14-59; Lynch, col. 21, line 49 – col. 22, line 25; col. 35, lines 6-67*).

36. As to claim 42, Meier-Lynch-Tummala discloses wherein the packets are VoIP (*Lynch, col. 3, line 55 – col. 4, line 49; col. 21, line 49 – col. 22, line 25; col. 35, lines 6-67*).

37. As to claim 43, Meier-Lynch-Tummala discloses wherein the packets are sent over any available port in order to pass through a firewall (*Tummala, Fig. 4, items 347, 319*).

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38. As to claim 44, Meier-Lynch-Tummala discloses wherein the client system connects to and disconnect from the host system and second host system under the control of said matching means (*Tummala, based on SLAs*).

39. As to claim 45, Meier-Lynch-Tummala discloses wherein the connecting step comprises the step of coordinating the different frequencies used by the client system connecting to the host system (*Lynch, col. 3, line 55 – col. 4, line 49; col. 21, line 49 – col. 22, line 25; col. 35, lines 6-67*).

40. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hai V. Nguyen
Examiner
Art Unit 2142




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